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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,735	08/22/2001	Rohit J. Parmar	119862-1000	9021

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EXAMINER
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CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 10/06/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/934,735

Applicant(s)

PARMAR, ROHIT J.

Examiner

Jean M Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other:

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## **DETAILED ACTION**

1. This office action is in response to the application filed on August 22, 2001, in which claims 1-16 are pending for examination.

### ***Drawings***

2. Applicants are required to furnish the formal drawings in response this office action. No new matter may be introduced in the required drawing. Failure to timely submit a drawing will result in **ABANDONMENT** of the application.

### ***Claim Rejections - 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b).

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Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Evans US Patent Application Publication no. US 2002/0046346.

As to claim 1, Evans discloses the claimed “at least one database” (see Evans’ fig.1, item 104; fig.4, item 104); “a data collection module (see Evans’ fig.1, item 106, fig.12, item 204) , the data collection module (fig.12, item 204) in communication with the database and being configured to collect and stored patient test data (see Evans’ fig.1, item 102; fig.2, item 111, fig.4, item 102), patient information, and healthcare provider information” ([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]); “a data viewing module (fig.12, item 204) , the data viewing module (fig.12, item 204) in communication with the database and being configured to allow access to and modification of the patient test data” ([0010]; [0047], [0048], [0050]; [0065]); “patient access module (fig.12, item 204) , the patient access module (fig.12, item 204) in communication with the database and being configured to allow access by a user to view tests performed on a patient” ([0015]; [0017]; [0010]; [0047], [0048], [0050]; [0065]); and “ a report generation module (fig.12, item 204) , the report generation module (fig.12, item 204) in communication with the database and being configured to produce reports from the patient test data” ([0015]; [0017]; [0010]; [0047], [0048], [0050]; [0051]; [0065]).

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As to claim 2, Evans disclose the claimed “wherein the data collection module includes on or more test data entry forms” ([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]).

As to claim 3, Evans disclose the claimed “wherein the specialized healthcare need is cardiological care” ([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]).

As to claim 4, Evans disclose the claimed “a physician viewing module in communication with the database and being configured to allow physicians to view patient test data”([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]).

As to claim 5, Evans disclose the claimed “wherein the test data entry forms include digital signatures” ([0010], [0079]).

As ton claim 6, Evans discloses the claimed “code segment to create one or more test data entry forms” ([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]); “code segment to collect patient test data using one or more test data entry forms” ([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]); “code segment to organize the patient test data according to patient and test performed” ([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]); “code segment to edit the patient test data” ([0006], [0009], [0010],

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[0011], [0013], [0015], [0017], [0047], [0048]; [0065]); “code segment to secure the patient test data” ([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]; [0078]; [0079], [0080]); and “code segment to generate a report of the test performed from the patient test data”([0015]; [0017]; [0010]; [0047], [0048], [0050]; [0051]; [0065]).

As to claim 7, Evans disclose the claimed “wherein the code segment to secure further includes a code segment to affix a digital signature”([0010], [0079]).

As to claim 8, Evans disclose the claimed “a code segment to fax reports” ([0072]; [0073]).

As to claim 9, Evans disclose the claimed “wherein the specialized healthcare needs are cardiological” ([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]).

As to claim 10, Evans disclose the claimed “wherein the code segment to edit further includes a code segment to view test data entry forms” ([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]).

As to claim 11, Evans disclose the claimed “wherein the code segment to view further includes code segment for patient viewing and physician viewing”([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]; [0079]; [0078]; [0079]; [0080]).

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As to claim 12, Evans disclose the claimed “collecting patient test data using one or more test data entry forms” ([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]); “organizing the patient test data according to patient and test performed “([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]); “editing the patient test data” ([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]); “securing the patient test data” ([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]; [0078]; [0079], [0080]); “generating a report of the test performed from the patient test data”([0015]; [0017]; [0010]; [0047], [0048], [0050]; [0051]; [0065]).

As to claim 13, Evans discloses the claimed “affixing a digital signature”([0010], [0079]).

As to claim 14, Evans discloses the claimed “the specialized healthcare needs are cardiological”([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]; [0079]; [0078]; [0079]; [0080]).

As to claim 15, Evans discloses the claimed “viewing the test data entry forms”([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]).

As to claim 16, Evans discloses the claimed “viewing and physician viewing”([0006], [0009], [0010], [0011], [0013], [0015], [0017], [0047], [0048]; [0065]; [0079]; [0078]; [0079]; [0080]).

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***Conclusion***

5. Any inquiry concerning this communication or early communication from the Examiner should be directed to **Jean Corrielus** whose telephone number is (703) 306-3035. The Examiner can normally be reached on the weekdays from 7:00am to 5:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, **Kim Vu**, can be reached on (703)305-9343.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks Washington, D.C. 20231**

**or faxed to:**

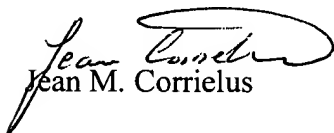
**(703) 746-7239**, (for formal communications intended for entry)

**Or:**

**(703)746-7240** (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to **Crystal Park II, 2021 Crystal Drive,**

**Arlington, VA., Sixth Floor (Receptionist).**

  
Jean M. Corrielus

Patent Examiner

September 26, 2003